

AUG 29 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)	Criminal No. 02-00010
)	
Plaintiff)	
)	
v.)	ORDER AFTER
)	LIMITED REMAND
BERT DOUGLAS MONTGOMERY,)	DENYING RESENTENCING
)	
Defendant)	
_____)	

THIS MATTER is before the court on limited remand from the U.S. Court of Appeals for the Ninth Circuit, for the court to determine "whether the sentence imposed would have been materially different had the [] court known that the sentencing guidelines were advisory." United States v. Ameline, 409 F.3d 1073, 1074 (9th Cir. 2005) (*en banc*). The mandate issued August 18, 2005.

THE COURT has reviewed the court file, the presentence report, and the sentence imposed upon defendant, and also has an independent recollection of the

1 salient facts of this jury trial. The court would not have imposed a materially different
2 sentence had it known the sentencing guidelines were advisory, and it declines to
3 resentence defendant Montgomery for the following reasons.
4

5 This defendant's primary role in the intentional fraud perpetrated on the Bank
6 of Saipan resulted in direct injury to thousands of bank depositors, including the
7 Commonwealth government, all of whom lost access to their savings. The indirect
8 injury caused to the families of individual account holders and to the creditors of
9 business account holders was significant and still reverberates in the community as the
10 Bank has continued in receivership since May of 2002. The cold, calculating nature
11 of the crime and the financial losses and inconvenience caused to so many victims
12 warranted the sentence imposed.
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15 Should defendant wish to appeal this order, he "may file a notice of appeal as
16 provided in Fed.R.App. 4(b)." United States v. Ameline, 409 F.3d at 1085.
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18 DATED this 29th day of August, 2005.
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23 ALEX R. MUNSON
24 Judge
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